REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 3-23 are currently pending. Claims 1, 3-8, 11-14, 17, 22, and 23 have been amended by the present amendment. The changes to the claims are supported by the originally filed specification and do not add new matter.

In the outstanding Office Action, Claims 1, 3-8, and 11-14 were objected to as being not consistent with the "means plus function" claim format; Claims 1, 6-7, 9-10, 17, and 21-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2007/0136748 to Rodriguez et al. (hereinafter "the '748 publication") in view of U.S. Patent Publication No. 2003/0065794 to Akazawa et al. (hereinafter "the '794 publication") and U.S. Patent No. 6,728,698 to Yen et al. (hereinafter "the '698 patent"); Claims 3, 4, 18, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '748 publication, the '794 publication, and the '698 patent further in view of U.S. Patent No. 6,760,917 to De Vos et al. (hereinafter "the '917 patent"); Claims 5 and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '748 publication, the '794 publication, the '698 patent, and the '917 patent further in view of U.S. Patent No. 6,243,145 to Schlarb et al. (hereinafter "the '145 patent") and U.S. Patent Publication No. 2001/0014876 to Miyashita et al. (hereinafter "the '876 publication"); Claims 8 and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '748 publication, the '794 publication, the '698 patent, and further in view of the '145 patent and the '876 publication; Claims 11, 12, 15, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the '748 publication in view of the '794 publication, the '917 patent, and the '876 publication; Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the '748 publication, the '794 publication, the '917 patent, and the '876 publication further in

view of the '145 patent; and Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the '748 publication, the '794 publication, the '917 patent, and the '876 publication further in view of the '698 patent.

Regarding the objection to Claims 1, 3-8, and 11-14 due to informalities regarding the means plus function format, Applicant wishes to thank the Examiner for the telephone discussion granted Applicant's representative to clarify the objection. In response to and consistent with the Examiner's suggestion, Applicant has amended Claims 1, 3-8, and 11-14 to correct the informalities.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), Applicant respectfully traverses the rejection.

Claim 1 is directed to a communication system comprising:

> a data processing apparatus configured to receive and process data; and
>
> a data providing apparatus configured to provide data to said data processing apparatus, wherein said data processing apparatus includes
>
> **means for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format, and for displaying a download button requesting to download software executing a function represented by the one of the second buttons when the one of said second buttons is selected,**
>
> **means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons,**
>
> means for downloading said software provided by said data processing apparatus when said download button is selected, in response to a download request for software implementing a function associated with one of said second buttons,
>
> means for updating a display of the one of the second buttons representing the function implemented by execution of the downloaded software, by displaying the one of the second buttons in said first display format, and
>
> **means for displaying a new second button representing a new function corresponding to new function information**, and
>
> wherein said data providing apparatus includes
>
> means for receiving said download request for said software from said data processing apparatus,
>
> means for transmitting said software to said data processing apparatus in response to said download request for said software, and

means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function.

Regarding the rejection of Claim 1 under 35 U.S.C. § 103(a), the Office Action asserts that the '748 patent discloses **means for displaying first buttons** representing executable functions in a first display format **while displaying second buttons** representing optional functions in a second display format and **means for executing** a function associated with one of said first buttons in response to an actuation of one of the first buttons. Next, the Office Action admits that the '748 patent does not disclose a **means for displaying a download button** requesting to download software executing a function represented by the one of the second buttons when the one of said second buttons is selected and relies on the '794 publication as teaching this feature. Finally, the Office Action admits that neither the '748 patent nor the '794 publication disclose a **means for displaying a new second button** representing a new function corresponding to new function information and relies on the '698 patent as teaching this feature.

The '748 patent is directed to a video presenting system which enables a viewer to select an option to receive a plurality of sequential data supplements corresponding to on-screen comments regarding portions of the video presentation.

The Office Action cites Figure 5 of the '748 publication in reference to the means for displaying the first and second buttons in first and second display formats, respectively, and indicates that the **non-highlighted** regions represent executable functions in a **first display format**, and the single **highlighted** button represents optional functions in **a second display format**. Then, in reference to means for executing a function associated with one of said first buttons in response to **an actuation of one of the first buttons**, the Office Action cites paragraph [0047], lines 9-21 of the '748 patent. However, as described in cited paragraph [0047], to actuate a button (i.e., using select button 87) the button must first be highlighted,

but, as discussed above, the Office Action defined **highlighting** as the **second display format**. Therefore, in the '748 system, only a button that is in the second display format (highlighted) can be actuated and a button of the first display format cannot be actuated.

Thus, Applicant respectfully submits that the '748 patent fails to disclose means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons, as recited in Claim 1.

As noted above, the Office Action does not rely on the '794 publication or the '698 patent to remedy the deficiency of the '748 patent, and Applicant respectfully submits that those references do not disclose the means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons.

The '794 publication is directed to providing provision information registered in a central apparatus to terminal devices from which a request for the provision information has been submitted.

The Office Action, in reference to a **means for displaying a download button** requesting to download **software executing a function** represented by the one of the second buttons when the one of said second buttons is selected, cites text of the '794 publication and admits that the '748 patent does not disclose this feature. The cited text of the '794 publication focuses primarily on the function of the download button B4 that, when clicked, causes provision data to be fetched from a central apparatus and displayed on a terminal.

However, the download button B4, in the image of Fig. 7 of the '794 publication, appears to be a constant part of the image shown, rather than being a download button which is **displayed only when one of the said second buttons is selected**. Further, the object of the download in the '794 publication is "provision data" (non-functional) to be displayed on the terminal. Applicant respectfully submits that the provision data is not **software executing a function** (functional), as claimed.

Thus, for both of the above cited reasons, Applicant respectfully submits that the '794 publication fails to disclose means for displaying a download button requesting to download software executing a function represented by the one of the second buttons when the one of said second buttons is selected, as recited in Claim 1.

Further, since the Office Action admits that the '748 patent fails to disclose the above-cited feature, and does not rely on the '698 patent to remedy the deficiency of the '748 patent and the '794 publication, Applicant respectfully submits that neither the '748 patent or the '698 patent disclose means for displaying a download button requesting to download software executing a function represented by the one of the second buttons when the one of said second buttons is selected.

The '698 patent is directed to interaction between a browser engine and an application in which the browser engine downloads a browser display with function icons corresponding to the functions in the application when the application is initiated.

The Office Action admits that neither the '748 publication nor the '794 publication discloses means for displaying a new second button representing a new function corresponding to new function information and cites col. 3, lines 51-67, and Fig. 4 of the '698 patent in reference to this feature. However, Applicant respectfully submits that the '698 patent fails to remedy this deficiency in the '748 patent and '794 publication.

The cited text of the '698 patent states that "[b]y adding new function icons to the browser display, new application functions can be added for users convenience." However, the "new second button" must contain all the features of a second button recited in the means for displaying second buttons representing optional functions in a second display format discussed above. The '698 patent does not disclose that the new function icons (second buttons) represent **optional** functions in a **second display format**. Therefore, the new function icons of the '698 patent do not disclose the features of the claimed new second

button. Thus, Applicant respectfully submits that none of the '748 patent, the '794 publication or the '698 patent disclose means for displaying a new second button representing a new function corresponding to new function information, as recited in Claim 1.

Thus, Applicant respectfully submits that no matter how the teachings of the '748 publication, the '794 publication and the '698 patent are combined, the combination does not teach or suggest means for displaying first buttons representing executable functions in a first display format while displaying second buttons representing optional functions in a second display format, and for displaying a download button requesting to download software executing a function represented by the one of the second buttons when the one of said second buttons is selected, means for executing a function associated with one of said first buttons in response to an actuation of one of the first buttons, and means for displaying a new second button representing a new function corresponding to new function information, as recited in Claim 1. Accordingly, for the reasons stated above, Applicant respectfully submits that Claim 1 patentably defines over any proper combination of the '748 and '794 publications and the '698 patent.

Independent Claims 6, 9, 10, 17, and 21 recite limitations analogous to the limitations recited in Claim 1. Accordingly, for the reasons stated above with respect to Claim 1, Applicant respectfully traverses the rejections of Claims 6, 9, 10, 17, and 21 (and all associated dependent claims).

Regarding the rejection of dependent Claims 3-5, 7-8, 18-20, and 22-23 under U.S.C. § 103(a), Applicant respectfully submits that the '917 patent, the '145 patent, and the '876 publication fail to remedy the deficiencies of the '748 publication, the '794 publication, and the '698 patent, as discussed above. Accordingly, Applicant respectfully traverses the rejection of dependent Claims 3-5, 7-8, 18-20 and 22-23.

Claim 11 is directed to a data providing apparatus for providing data to a data processing apparatus which receives and processes said data, said data providing apparatus comprising:

> means for receiving a download request for said software from said data processing apparatus;
> means for transmitting said software to said data processing apparatus in response to said download request for said software;
> means for creating a download history regarding said software downloaded by said data processing apparatus;
> means for performing a relevant process in keeping with said download history, said performing means including means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history;
> means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function.

It is implied, but not explicitly stated, in the Office Action that the '748 patent fails to disclose a means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function, because the Office Action relies on paragraphs 0047, 0054, and 0057 of the '794 publication, in regard to this feature. The cited sections describe the download button B4 and the function performed when it is selected. As stated above, the cited download button B4 performs the function of downloading "provision information" which, according to the '794 publication, is "information to be provided" for a user to view (papers, schedules, etc.). Applicant respectfully submits that the cited provision information is not "information of a new function" and, as non-functional data, the provision data does not disclose software existing for executing a new function.

Therefore, Applicant respectfully submits that neither the '748 patent or the '794 publication disclose means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function, as recited in Claim 11.

In addition, Applicant respectfully submits that the '917 fails to remedy the above-stated deficiency in the '748 patent and the '794 publication.

The '917 patent is directed to a video on demand system. The Office Action admits that neither the '748 patent nor the '794 publication disclose means for creating a download history regarding said software downloaded by said data processing apparatus, and cites col. 6, lines 23-37 of the '917 patent in reference thereto. The citation appears to suggest that the video program allocation, in the form of a table in the SMU which provides distribution control data including information of the channel and the routing information corresponding to the selected video program to the selected SMU, discloses creating a download history. The cited table in the SMU is further described as a table in which relationships between virtual channels and end devices are established.

Applicant respectfully submits that the neither the channel and routing information, nor the relationships between virtual channels and end devices discloses creating a download history regarding said software downloaded by said data processing apparatus.

Thus, Applicant respectfully submits that none of the '748 patent, the '794 publication, and the '917 patent disclose creating a download history regarding said software downloaded by said data processing apparatus, as recited in Claim 11.

Finally, the Office Action admits that none of the '748 patent, the '794 publication, and the '917 patent disclose means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history. Instead, the Office Action cites paragraph 0059 of the '876 publication.

The '876 publication describes a system which can protect a provider of original content while allowing duplication of the content to be made freely. The cited paragraph describes an ability to keep information about specific downloaded music/video content,

including how many times, and in which time slot the content was downloaded. However, the cited text does not teach recognizing categories of software.

Thus, Applicant respectfully submits that the none of the '748 publication, '794 the publication, the '917 patent, and the '876 publication disclose means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history, as recited in Claim 11.

Thus, Applicant respectfully submits that no matter how the teachings of the '748 publication, the '794 publication, the '876 publication, and the '917 patent are combined, the combination does not teach or suggest the means recited in Claim 11. In particular, the combined teachings of the cited references fail to teach or suggest means for creating a download history regarding said software downloaded by said data processing apparatus, means for recognizing a category of the software downloaded by said data processing apparatus with high frequency based on said download history and means for transmitting information of a new function to said data processing apparatus when software exists for executing the new function, as recited in Claim 11. Accordingly, for the reasons stated above, Applicant respectfully submits that Claim 11 patentably defines over any proper combination of the '748 publication, the '794 publication, the '876 publication, and the '917 patent.

Independent Claims 15 and 16 recite limitations analogous to the limitations recited in Claim 11. Accordingly, for the reasons stated above with respect to Claim 11, Applicant respectfully traverses the rejections of Claims 15 and 16 (and all associated dependent claims).

Regarding the rejection of dependent Claims 12-14 under U.S.C. § 103(a), Applicant respectfully submits that the '145 patent and the '698 patent fail to remedy the deficiencies of the '748 publication, the '794 publication, the '876 publication, and the '917 patent, as

discussed above. Accordingly, Applicant respectfully traverses the rejection of dependent Claims 12-14.

Thus, it is respectfully submitted that independent Claims 1, 6, 9-11, 15-17, and 21 (and all associated dependent claims) patentably define over any proper combination of the cited references.

Consequently, in view of the present amendment and in view of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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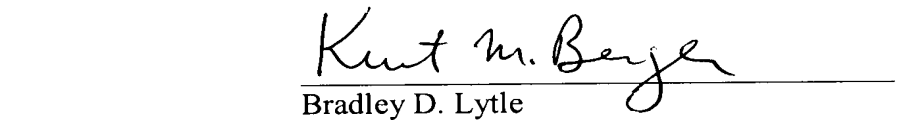

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